App. F. IX-4

Previous References
Inward 304-28-1-3
" 54-29-1-5

1930.
(August)

File No. 67-30
Serial Nos. 1-2

Later References
Law 68-30/

General and Revenue Secretariat.

Serial Nos. 2

Part B for August 1930

SUBJECT

Continuance of the management of Sir Krishnaswami Chettiar as Guardian and the properties endowed thereto under Trust.

No 360 dated 16 8 30

In the Petition

Short note as to reasons to be considered in the order already passed.

General and Revenue Secretariat | Jmz File No. 67 of 1930

Serial No.

Pet n dated 28th July 1930 from one In Srinivasa Rao, Retired Sub Rajsthan, Gulsu, Durkur Taluk, requesting a reconsideration of the G.O dated 21st March 1929 directing the continuance of the Management of the Dussehra Chatram at Gulsu under Govt. and the representation endorsed thereto, under Govt.

Govt order No. 1000 Jmz 301-28-3 dated the 21st March 1929 in pursuance of the recommendation to direct the management of the Chatram at Gulsu to continue in the hands of Govt. for the next [illegible]

[illegible]

Enquiry file in G.O. 5 4-5 20 65

WD 01684—GPB—30,000—20 4-29

General and Revenue Secretariat | File No. | of 192

Serial No

[illegible]

OF FIRST
11 AUG. 1930
No 984

2103/14/18

Note—Contn Sheet

WD 01681—GPB—30,000—20 4-29

General and Revenue Secretariat

Inwd File No. of 1920

Serial No.

2

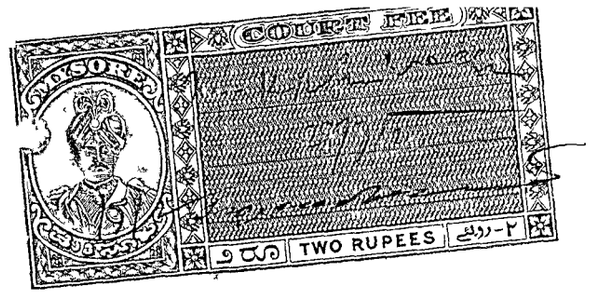
Endorsement granted to the Commissioner Labour stating that there are no reasons to reconsider the orders already passed in the matter
No 560 D/16 & 30

Memo No 361 D/16 & 30, to the K.K Srinivasan Advocate Bangalore, forwarding a copy of the endorsement for information

B 86 M82
15/8/30

Note—Contn Sheet

W D 01684—GPB—10,000—20 4 29



FINANCIAL SECRETARY
2 AUG
No.
OFFICE OF THE DEWAN OF MYSORE.
Date of Recpt. 28.7.30
Petn. Regr. No. 19

GENL. & REV SECT.
175
MUZRAI.

67
Muz EE- 20-1

BEFORE

Amin-ul-Mulk

Sir Mirza M. Ismail, Kt., O.B.E., C.I.E.,

DEWAN OF MYSORE,

BANGALORE.

PETITIONER:--M. Srinivasa Rao,
Son of Krishnappa,
Retired Sub-Registrar,
Gulur.
Tumkur Taluk.

I Enjoi Secretary to Government with Compliments Rao

PRIVATE SECRETARY, TO THE DEWAN OF MYSORE

The petitioner abovenamed respectfully begs to submit this humble Memorial praying for a reconsideration of the order of Government No. 2000-1/Muz. 304-28-3 dated 21st March 1929, confirmed in Muz. Review No. 1 of 1929-30; and, in support of his prayer, the petitioner begs to set out the following facts for your kind consideration:-

1. The petitioner's grandfather Venkataramaniah built, out of his own fur s a Chatram or Choultry at Gulur in Tumku.

Taluk, for the use of the wayfarers, and also planted Avenue Trees for about a mile on either side near the Chatram. He also constructed two Temples,--one Vishnu and one Siva--and to ensure the upkeep of the Chatram and the Avenue Trees, and the Daily worsnip of the said Gods, he appointed Archiks, Manthra Pushpaka Brahmins, Palanquin Bearers, Torch Bearers and Pipers, and a Care-taker for the Chatram on suitable remunerations.

2. In consideration therefor, the Benign Government were pleased to grant certain Inam lands forthe upkeep of the Chatram and the maintenance of the Avenue Trees, and the major portion of the income from the Inam lands was being used for the repairs and upkeep of the Chatram and the maintenance of the Avenue Trees and for the remuneration of the Archiks and other servants of the Temples. This was kept up regularly by the petitioner's father and grandfather and after them, by the petitioner.

3. That, till recently, there was no complaint either regarding the upkeep of the Chatram or the worship of the

Gods

Gods and the terms of the grant were - strictly and rigidly followed.

4. The Chatram having been - built a number of years ago on old - fashioned lines was getting rickety and badly wanted renovation. The petitioner with a view to perpetuate the - charity instituted by his grandfather, found it expedient to rebuild the - Chatram afresh and on modern lines - rather than effect patchwork repairs to the crumbling ancient building. With this object in view, he pulled down the old Chatram a few years ago and went on putting up a new building at his own - cost. But he under-estimated the cost and was not able to collect sufficient funds to complete the task undertaken - by him and there was some delay; and - the work had to be stopped for some time.

5. At this stage, some mischievous people sent up false reports to the authorities to the effect that the Chatram was in ruins and was neglected and that the Government should take charge of it. The Government, without any proper enquiry into the circumstances under which the Chatram had been pulled down, took it for granted that it had been neglected and - directed the resumption of the Inam lands and leased them out for a period of five

years ostensibly to find funds to complete the construction of the Chatram; and when the petitioner protested, he was pacified and was made to acquiesce in this arrangement,as it was represented to him that it was only a temporary arrangement to find funds to complete the construction of the Chatram and - that it would not in any way prejudice his rights.

6. That, as the petitioner had by then exhausted his funds, and as the arrangement proposed was only temporary and for the benefit of the Institution, and as his sole object was to see that the Chatram was restored, he submitted to the arrangement and himself obtained the contract from the Public Works - Department and completed the construction of the Chatram more than two years ago. That at the time the Government intervened,the petitioner had executed more than half of the work at his own - cost and had only to put the roofing and give some finishing touches to the - building. The estimates prepared by - the Public Works Department bear out - these facts.

7. Considering that the Chatram had been restored partly at the private

expense

expense of the petitioner and partly from the income of the Inam lands, it was but equitable that the management of the Chatram and of the Inam lands was to be restored to the petitioner on such terms as may be deemed desirable regarding the future upkeep and maintenance of the institution. But, inspite of repeated requests, the Government have not been pleased to restore them to the petitioner.

8. That, on the recommendations of the Muzrai Commissioner who based his recommendations on the reports submitted to him by the Lower Officers, the Government have been pleased to pass orders permanently depriving the petitioner of the management of the Chatram and the Inam lands for no valid or just cause.

9. No mismanagement, much less no gross or persistent mismanagement, has been proved and in fact, no enquiry, as contemplated under the provisions of the Muzrai Regulation, has taken place. The fact that the petitioner removed an old building with a view to put up a stronger and a better building can, under no stretch of language, be treated as gross mismanagement and the order of the Government is arbitrary and inequitable. Moreover, the proceedings have been ex parte and no formal enquiry has yet been held [illegible]

officer and no notice of any such enquiry has been served on the petitioner and no explanation has been received from the petitioner.

10. It is not true that the management of the Institution by the petitioner was unsatisfactory. The petitioner, though he was in Government Service till recently, had always maintained an Agent to look after the Chatram and to attend to its minor repairs and had always allowed sufficient funds therefor. The petitioner himself was supervising these things personally.

11. It is not true again that the Chatram had been neglected or that it came down in consequence thereof, as was reported by the Amildar. As submitted above, the petitioner, with intent to reconstruct the Chatram on modern lines, pulled it down deliberately and had commenced the new construction at his own cost and had completed more than half the work; when, the Government intervened and took over the construction as aforesaid. Therefore, there are no substantial grounds for the Government to deprive the petitioner, permanently, of the management of his Chatram and the Inam lands.

12. The petitioner has now retired from

from service and has no other occupation. He is hale and healthy. He intends staying in Gulur where the Chatram is built - and devote all his time for the management of the Chatram. The appointment of Dharmadarsis for the management of his Chatram is uncalled for and inequitable, as the order is based on a report submitted behind his back and without a proper enquiry regarding the circumstances under which the petitioner pulled down the Chatram. If his intention was to neglect the Chatram, he would not - have thought of putting up a Pucca Building, on modern lines,at his own private expense. On the other hand, if he wanted to carry - out the terms of the grant literally,without caring for the spirit of it, he would have allowed the ancient building to continue - and would have done only patchwork repairs now and then. The Government have failed to appreciate the intentions of the petitioner; but, have acted on the report of - the Amildar who never went near the Institution, but based his report on the representations made to him by parties who are inimical to the petitioner.

13. That, at the time the Government intervened, the Chatram was not a - Muzrai Institution, and in the absence of the existence of facts which necessitated Government intervention, the action taken by the Government is ultra vires. Besides,

the

the Inam lands were not originally granted as Devadaya, but for the maintenance of the Chatram and the Avenue Trees separately. Whatever may be the grounds on which the Government intend depriving the petitioner of the management of the Chatram and its Inam lands, there are absolutely no grounds to deprive him of the Inam lands granted for the upkeep of the Avenue Trees, as they are well maintained and nothing is said about them to the contrary. The Government Order is so comprehensive that it gives no relief to the petitioner, even on matters on which he has a right and which right he has not forfeited by anything done or omitted to be done by him in contravention of the Rules.

14. The Government have also failed to consider one other important fact which the petitioner begs leave to submit here. The petitioner's grandfather has constructed two Temples--one for Vishnu and the other for Siva--and these are private Temples and the Daily Pooja in these Temples had been provided for out of the income from the Inam lands granted to the Chatram, as no grant or Inam had been separately endowed for these Temples. Now, if the Government take over the management of the Inam lands and entrust the same to Dharmadarsis, whose sole care is that of

the

the management of the Chatram, the worship in the said two Temples will become impossible and the sacred object of the petitioner's grandfather will fail.

15. The petitioner is ready and willing to give an undertaking to see that the Income from the Inam lands does not fall below the amount now realised by leasing them, and that the income so realised is properly utilised for the upkeep of the Chatram and the maintenance of the Avenue Trees and also for the continuance of the Daily Worship of the Gods installed by his ancestors.

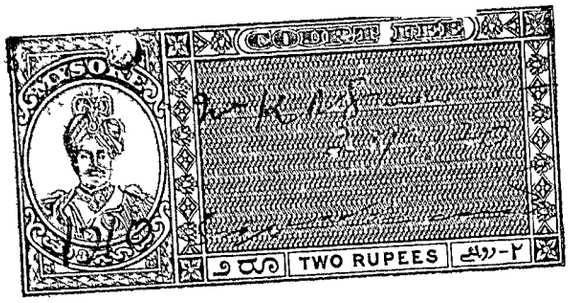
16. Finally, the petitioner begs to submit that he has not many years to live, having been already retired from service. He was looking forward to his retirement anxiously, solely with the object of devoting the remainder of his life to the sacred and charitable institutions which he, his father and grandfather, before him, have cherished so much religiously and on sentimental grounds and for which they have spent so much. If, under the circumstances, the orders of Government are at least held in abeyance during the petitioner's life time, the Government would be conferring a great favour on the petitioner.

The petitioner, therefore, hu-

humbly and respectfully prays that Your Honour would be graciously pleased to consider the aforesaid facts and direct that the order of the Government be revised and that the management of the Chatram and the Inam lands be restored to the petitioner and the surplus amount, now in the hands of the Government, be given over to the petitioner; or, pass such orders as may be deemed JUST and EQUITABLE, under the circumstances of the case.

BANGALORE,
28th July 1930.

K.N. Srinivasa
Advocate for the
PETITIONER.



Before the Dewan of Mysore ಕೋರ್ಟಿಗೆ

1930-31 ನೇ M/S ನಂಬರು:

ವಾದಿಯ ಯಾ ಅರ್ಜಿದಾರ್		ಪ್ರತಿವಾದಿ ಯಾ ಆಪೋನೆಂಟ್
M. Srinivasa Rao	Vs.	

ಮಾ|| ರಾ|| ಕೆ. ಯಸ್. ಶ್ರೀನಿವಾಸಸ್, ಎಂ. ಎ., ಎಲ್ಎಲ್. ಬಿ.,
ಮಾ|| ರಾ|| ಆರ್. ಶೇಷಾದ್ರಿ, ಬಿ. ಎ., ಎಲ್ಎಲ್. ಬಿ.,
ಮಾ|| ರಾ|| ಎಂ. ವಿ. ಶ್ರೀನಿವಾಸರಾವ್, ಬಿ. ಎ., ಬಿ. ಎಲ್., ಅಡ್ವೋಕೇಟರವರಿಗೆ

M. Srinivasa Rao ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮಾ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಖೈರುವರಿವಿಗೂ ಕೋರ್ಟಸಲ್ಲಿ ವಿವಾದ ಜರಿಗಿಸುವುದಕ್ಕೂ ನನ್ನ ಪರಇಗುವ ಎಲ್ಲಾವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮನಡಿಸಿಹಣ ವಸೂಲುಮಾಡಿಕೊಳ್ಳುವು ದಕ್ಕೂ ರಾಜಿವಗೈರೆಪೈಸಲ್ಮಾಡಿಸತಕ್ಕ ಬಗ್ಗೂ,ನನಗೆಕೋರ್ಟನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿನೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ರೀಫಂಡು ಸ್ಟ್ಯಾಂಪು ಮೊಬಲಗು ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸುಪಡಿಯಲಿಕ್ಕೂ ಸಹತವುಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮುಕ್ತಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ, ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ.

× M. Srinivasa Rao

ಈ ಮೊಕ್ತಾರುನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ. MVS

ಈ ಮೊಕ್ತಾರುನಾಮೆ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ.

MVS Srinivasan
M. Srinivasa Rao.

ತಾರೀಖು 28/7/30
ಬೆಂಗಳೂರು

ಅಡ್ವೋಕೇಟ್ಸ್ for ಪೇಟ್.

ಶ್ರೀ ನಂದೀಕ ಭಾರತಿ ವಿಲಾಸ ಪ್ರೆಸ್ ಚಿಕ್ಕಪೇಟೆ, ಬಿ. ಸಿಟಿ.

G. R. S. App F. G. 3.

GENERAL AND REVENUE SECRETARIAT

(Continuation sheet draft form.).

We

undersigned.

Granted to Mr. M. Srinivasa Rao, Son of Mr. Ramalingaiah, Retired Sub Registrar, Guntur, Guntur Dt.

In reply to his application dated the 28th July 1930 ~~requesting~~ for consideration of Govt. orders No. 2000-1/Guntzai 302, -28/3 dated the 21st March 1929 directing the ~~Continuance~~ of the management of the Ramalingaiah Chattram at Guntur and the properties endowed thereto ~~under Govt.~~ ~~intimate~~. ~~that~~ the Srimn. matter is informed

reconsider the order already passed in the matter.

By order

14.8.30 for Secy to Govt

Memo no. 361

Copy of the above is forwarded ~~with Com~~ ~~wards~~ to Mr K.B. Srinivasan, Advocate, Bangalore city, for information

By order

14.8.30 for Secy to Govt

15/8

E.G.P.C.
13/8/30